

**MINUTES OF THE  
HOUSE SPECIAL INVESTIGATIVE COMMITTEE**  
Tuesday, January 14, 2014 – 9:00 a.m. – Room 445 State Capitol

**Members Present:**

Rep. James A. Dunnigan, Chair  
Rep. Rebecca Chavez-Houck  
Rep. Brad L. Dee  
Rep. Susan Duckworth  
Rep. Lynn N. Hemingway  
Rep. Mike K. McKell  
Rep. Lee B. Perry  
Rep. Jennifer M. Seelig

**Members Absent:**

Rep. Francis D. Gibson

**Staff Present:**

Mr. Jerry D. Howe, Managing Policy Analyst  
Mr. John L. Fellows, Legislative General Counsel  
Mr. Eric N. Weeks, Deputy General Counsel  
Ms. Sara J. Thomas, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Dunnigan called the meeting to order at 9:08 a.m. Rep. Gibson was excused from the meeting.

**MOTION:** Rep. Hemingway moved to approve the minutes of the December 19, 2013 and December 20, 2013, meetings. The motion passed unanimously. Rep. Dee was absent for the vote.

**2. Receive Report from Lieutenant Governor's Investigation**

Lieutenant Governor Spencer Cox commended the committee for its work on its investigation of allegations of misconduct by former attorney general John Swallow. He explained that the Lieutenant Governor's office was tasked with a separate investigation of Mr. Swallow. He outlined the information representatives of his office planned to report at the meeting.

Mr. Mark Thomas, Chief Deputy, Lieutenant Governor's Office, and Director of Elections, reviewed a timeline of events and procedures in the Lieutenant Governor's investigation leading up to the resignation of Mr. Swallow.

Mr. Matthew Lalli, Special Counsel, Snell & Wilmer, distributed "Timing of Business Activities and Money Transfers" and "Recommendations Concerning Campaign Financial Disclosure Statutes." He presented "Findings of Election Law Violations by John Swallow." Mr. Lalli observed that Mr. Swallow took unnecessary measures to win the election. He stated that Mr. Swallow made efforts to retroactively manage information in an attempt to control the appearance of various situations. Mr. Lalli reviewed evidence supporting probable cause to believe Mr. Swallow committed five violations of campaign finance disclosure laws. He described the nature of these violations and responded to questions from the committee.

Mr. Stewart Peay, Special Counsel, Snell & Wilmer, presented "Statutory Recommendations." He explained that special counsel recommended statutory changes to protect future candidates, guide future special counsel in similar investigations, and clearly define the intent of the Legislature for the courts. He described suggested changes to Utah Code Annotated:

- Section 76-8-109

- Section 20A-1-703
- Section 20A-1-704
- Section 20A-11-101 et seq.

He responded to questions from the committee.

### **3. Update on Special Counsel's Final Report**

Mr. Fellows informed the committee that its special counsel is aiming to present its final written report by the end of this month. He explained that the committee is obligated to have the report for 21 days before approving it, allowing any members to issue a minority report if they choose to do so. He noted that in addition to a written report, special counsel intends to provide an electronic report that will be available on the Legislature's website.

### **4. Other Business**

Chair Dunnigan explained that the committee's total expenses exceed \$3 million, noting that the expenses incurred since the last meeting are primarily associated with the final written report.

### **5. Adjourn**

**MOTION:** Rep. Dee moved to adjourn the meeting. The motion passed unanimously.

Chair Dunnigan adjourned the meeting at 12:52 p.m.